

**REMARKS**

Entry of the foregoing, reexamination and further and favorable reconsideration of the subject application, in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested.

By the foregoing amendment, claims 12-15 have been canceled without prejudice or disclaimer and new claims 35-38 have been added in place thereof. Claims 12-15 have been re-submitted, with certain amendments, as new claims 35-38 in order to avoid any confusion with regard to claim amendments since claims 12-15 originally contained underlining. It is noted that new claims 35-38 recite that the glycoprotein-substance is “from whey of bovine milk or albumen of chicken eggs”. Support for this language can be found at least at page 5, line 13-18 of the originally-filed application. Claims 37 and 38 also recite that the amount of the glycoprotein which is administered is effective for treating the disease “so as to inhibit *Helicobacter pylori* colonization”. Support for this amendment can also be found, for example, on at least page 3, line 5-10. No new matter has been added.

Additionally, claims 22-26 have been amended by the present amendment. In particular, claims 23 and 26 have been amended to delete recitation of “preventing or” and “or associated with”. Claim 24 has been amended to delete recitation of “which prevents or treats a gastrointestinal disease caused by or associated with *Helicobacter pylori*” and replace it with “for inhibiting *Helicobacter pylori* colonization”. Support for this amendment can be found throughout the originally filed application such as, for instance, on page 3, lines 5-10. Finally, claims 22, and dependent claims 23-26 and 31-34, have

been amended to recite an inhibitor “composition” of *Helicobacter pylori*. Support for this amendment can also be found throughout the originally-filed application, including the originally-filed claims, *e.g.*, claim 10. No new matter has been added.

Turning now to the Official Action, applicants acknowledge the Examiner’s statement that: “[u]pon consideration, claims 22-26 [which had originally been withdrawn as being directed to non-elected groups] have been examined.” Thus, all of the pending claims – claims 12-15 (now claims 35-38) and 22-34 – have been examined on the merits. Applicants also acknowledge the Examiner’s indication that claims 27-30 are allowed.

Claims 12-15, 23, 24 and 26 have been rejected under 35 U.S.C. § 112, first paragraph, because the specification purportedly does not provide reasonable enablement for “preventing” a disease cause by or associated with *H. pylori* in mammals. This rejection is respectfully traversed.

To expedite prosecution in the present application, and not to acquiesce to the Examiner’s rejection, claims 12-15 (now claims 35-38), 23, 24 and 26 have been amended so as to render the Examiner’s rejection moot. In particular, new claims 35-38 recite that the glycoprotein-substance is “from whey of bovine milk or albumen of chicken eggs” Claims 23, 26, 37 and 38 no longer recite “preventing or” and “or associated with”. Further, claim 24 has been amended to delete recitation of “which prevents or treats a gastrointestinal disease caused by or associated with *Helicobacter pylori*” and replace it with “for inhibiting *Helicobacter pylori* colonization”. Applicants reserve the right to file a divisional or continuation application directed to any of the canceled subject matter.

In view of the above, the Examiner is respectfully requested to withdraw this rejection under 35 U.S.C. § 112, first paragraph.

Lastly, claims 14, 15, 22-26 and 31-34 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. This rejection is respectfully traversed.

Once again, to expedite prosecution, and not to acquiesce to the Examiner's rejection, claims 14, 15, 22-26 and 31-34 have been amended to render the Examiner's rejection moot. More specifically, claims 37 and 38 (formerly claims 14 and 15) recite that the amount of the glycoprotein which is administered is effective for treating the disease "so as to inhibit *Helicobacter pylori* colonization". Claims 22-26 and 31-34 have been amended to recite an inhibitor "composition" of *Helicobacter pylori*. Also, claims 37 and 38 (formerly claims 14 and 15), as well as claims 23, 24 and 26, no longer recite "or associated with".

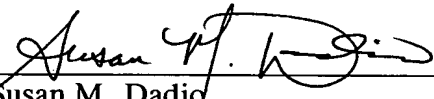
In view of the above, the Examiner is respectfully requested to withdraw this rejection under 35 U.S.C. § 112, second paragraph.

In the event that there are any questions relating to this Amendment, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By:   
Susan M. Dadio  
Registration No. 40,373

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620